

Deposition of Ray Wear - Taken July 26, 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA)

Plaintiffs,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al.,)

Defendants.)

VIDEOTAPED DEPOSITION OF RAY WEAR

Taken at the law offices of Mitchell, Williams,
Selig, Gates & Wooyard, 5414 Pinnacle Point Drive, Suite
500, Rogers, Arkansas 72758, on July 26, 2007, at 9:44
a.m.

DONALD COURT REPORTING, INC
888-438-7836 www.getsteno.com

EXHIBIT

5

Deposition of Ray Wear - Taken July 26, 2007

39

1 Was that change negotiated?

2 **A.** No.

3 **Q.** Rather than go through all of these changes, let me
4 just simply ask, were any of the changes between the old
5 contract and the new contract negotiated with the grower?

6 **A.** No.

7 **Q.** Were any terms under any contracts Peterson ever had
8 with any of its growers negotiated with the individual
9 grower?

10 MR McDANIEL: Object to the form.

11 **A.** Not to my knowledge.

12 **Q.** (Mr. Riggs continued.) Since Evans & Evans has been
13 in the position you've told me about, have any of the
14 contracts -- terms been negotiated with any of the
15 growers?

16 **A.** No.

17 **Q.** All of the growers who are under contract to
18 Peterson Farms or Evans & Evans who raise broilers raise
19 them under the same contract terms.

20 **A.** Yes.

21 **Q.** So there are no separate contracts for any
22 individual growers. Correct?

23 MR. McDANIEL: Object to the form.

24 **A.** I believe there is now.

25 **Q.** (Mr. Riggs continued.) Tell me about those.